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RIGHTS OF PEOPLE WITH DISABILITIES

JAPAN

SUMMARY

Japanese law recognizes the need to promote equal rights and the general welfare of persons with disabilities. The Basic Law of 1999 mandates the government to establish basic plans concerning policies for disabled persons. The mandate led to various statutes and regulations, dealing with substantive measures for access to employment, education transportation, and public services, as well as allocating administration of government programs and issues of implementation and enforcement between the central government and prefectures and municipalities.

Scope of Coverage.

The various statutory provisions apply to private and public employers and organizations and all disabled persons. Disability is defined in medical terms as impairment of physical, mental, and psychological health. It is unclear whether the “equal rights” concept reaches service providers in general, however, the laws expressly cover access to telecommunication services. In particular the laws govern:

- Integration into mainstream local education systems;
- Establishment of special educational institutions;
- Mandatory employment quotas and levy for sub-quota employment of disabled;
- Other affirmative actions;
- Financial incentives for exceeding quotas;
- Access to barrier-free transportation;
- Municipal parking;
- Access to public buildings;
- National standards and time frames to achieve barrier-free access;
- National priority program to provide access to telecommunications;
- National organization to assist business to install disabled user-friendly technology;
- Enforcement of compliance.

Legislative Objective.

The Japanese legislation benefitting disabled persons is primarily intended to meet their basic needs. In contrast to the ADA, the laws seem to favor more the **affirmative action** approach, thus obligating society in general to contribute to the overall objective through:

- National employment quota for the disabled;

- Excising a levy for not meeting the government quota;
- Financial awards for surpassing the quota;
- Financial assistance to install user-friendly technology; and
- Establishing national standards and time frames for removing barriers.

Within this framework, access to and integration into information technology enjoy particular attention, entrusted to the **Telecommunication Advancement Organization of Japan - TAO**.

Public Policy Implementation.

Reflecting the legal bases for various government programs for the disabled, the authority and responsibility for implementation rests with the respective government organization. In addition to the respective government ministries, the following need mentioning:

- The Japan Association for Employment of Persons with Disabilities;
- The Corporation for advanced Transport and Technology; and
- The Telecommunications advancement Organization of Japan (TAO).

Enforcement and Remedies.

The report mentions the assessment of fines for failure to comply with national standards for removing barriers in transportation and construction. The 2002 amendments obligate the transportation authorities to have all new trains made accessible for persons with disabilities. The same holds true for the construction industries with regard to new buildings.

Affirmative Defenses.

No information available.